To: Board of Public Works

From: Kara Homan, AICP, Principal Planner

Date: December 29, 2011

RE: Proposed Amendments to Municipal Stormwater Utility Ordinance

Ordinance O-01-12 proposes changes to how unimproved, undeveloped property is assigned ERUs, and adds language exempting undeveloped property possessing wetlands and/or protective areas from stormwater charges. Below is a more detailed explanation of these changes.

Wetlands and Protective Areas

Properties that are currently undeveloped and contain Wetlands[i] and/or Protective Areas[ii], making them undevelopable in the future are proposed to be exempt from Stormwater Utility charges.

Undevelopable properties with these characteristics cannot be developed and will not contribute to increases in stormwater runoff. In fact, properties of this nature often help relieve stormwater runoff from neighboring properties.

Undeveloped, Unimproved Property

A definition for "unimproved" is proposed to mean "lots within a subdivision or certified survey map, or units within a condominium plat which do not abut an improved street". The definition for "undeveloped" property is already defined in the ordinance and will not change with the approval of this ordinance.

The proposed ordinance would add language that allows for undeveloped, unimproved property to be aggregated with other undeveloped, unimproved property in a given subdivision, CSM, or condominium plat, and charged a single ERU.

Properties of this nature do not contribute additional stormwater runoff based on platting; thus the proposed changes are designed to reflect this.

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[i] As defined in Section 23.32(1) of the Wisconsin Statutes.

[ii] As defined by Wis. Admin. Code NR 151.12(5)(d)1.

ORDINANCE O-01-12

AN ORDINANCE AMENDING TITLE 9, CHAPTER 6 - MUNICIPAL STORMWATER UTILITY, OF THE MUNICIPAL CODE

Introduced by Mayor Merkes

The Common Council of the City of Menasha does ordain as follows:

SECTION 1: Amend Title 9, CHAPTER 6, SEC. 9-6-6 and SEC. 9-6-7 of the Code of Ordinances of the City of Menasha, Wisconsin as follows:

Title 9 – Public Utilities

CHAPTER 6

Municipal Stormwater Utility

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SEC. 9-6-6 DEFINITIONS

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(12) "Unimproved" means lots within a subdivision or certified survey map, or units within a condominium plat which do not abut an improved street.

~~(12)~~ (13)"Waters of the State" means those portions of Lake Michigan and Lake Superior within the boundaries of Wisconsin, and all lakes, bays, rivers, streams, springs, ponds, wells, impounding reservoirs, marshes, watercourses, drainage systems and other surface water or groundwater, natural or artificial, public or private, within Wisconsin or its jurisdiction.

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SEC. 9-6-7 BASIS OF CHARGE

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(2) The rate classifications used to distribute the costs of the Stormwater Program among utility customers shall be based on the Equivalent Runoff Unit (ERU). The charge assigned to each developed parcel shall be assessed based upon the impervious areas or living units as reasonably determined by the city. Undeveloped properties shall be assessed a fraction of an ERU based on proportionate costs of administration and operating costs. For the purposes of this section, undeveloped, unimproved property shall be aggregated, and a single ERU charge shall be assigned to the aggregated lots. Public right-of-way and undeveloped properties which are predominantly classified as "Wetlands" as defined by Section 23.32(1) of the Wisconsin Statutes and/or "Protective Areas" as defined by Wis. Admin. Code NR

151.12(5)(d)1. where such classifications render the property undevelopable ~~which~~ shall be exempt from the utility charge.

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SECTION 2: This ordinance shall become effective upon its passage and publication as provided by law.

Passed and approved this ___ day of _____, 2012.

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Donald Merkes, Mayor

ATTEST: _____
Deborah A. Galeazzi, City Clerk